

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alyssa Rogowski	Team: Squad #8	CCRB Case #: 201803703	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 01/09/2018 8:38 AM	Location of Incident: 1st Avenue and East 48th Street	Precinct: 17	18 Mo. SOL 7/9/2019	EO SOL 7/9/2019	
Date/Time CV Reported Thu, 05/10/2018 7:19 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 05/10/2018 7:19 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andres Cuevas	19587	926723	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Andres Cuevas	Discourtesy: Police Officer Andres Cuevas acted discourteously toward § 87(2)(b)	

Case Summary

On January 9, 2018 at approximately 8:35 a.m., § 87(2)(b) was driving northbound through the 1st Avenue tunnel in Manhattan and had just exited the tunnel at East 48th Street when PO Andres Cuevas of the City-wide Traffic Task Force (CTTF) pulled him over for speeding. Over the course of his interaction with § 87(2)(b) PO Cuevas allegedly threw § 87(2)(b)'s license at him (**Allegation A; Discourtesy – Action;** § 87(2)(g)).

There is no video evidence.

Findings and Recommendations

Allegation A Discourtesy: PO Andres Cuevas acted discourteously toward § 87(2)(b)

In his in-person statement, § 87(2)(b) recounted that he had just exited the tunnel at East 48th Street when PO Cuevas pulled him over. PO Cuevas approached § 87(2)(b)'s car and they disputed whether § 87(2)(b) was speeding. § 87(2)(b) gave his paperwork and license to PO Cuevas who then returned to the police car for a few minutes.

When PO Cuevas returned to § 87(2)(b)'s car, he tossed § 87(2)(b)'s ID back at him and told him, "I don't need your ID." The ID landed in § 87(2)(b)'s lap. PO Cuevas then returned to the police car.

When PO Cuevas approached § 87(2)(b)'s car for the third time, he handed § 87(2)(b) a ticket and told him to go to court if he wanted to fight the ticket. § 87(2)(b) remained in his car reading the ticket for a few minutes after PO Cuevas walked away. § 87(2)(b) then got out of his car and approached the police car to continue to dispute his summons (Board Review 01).

PO Cuevas recounted that on January 9, 2018, he was stationed at East 48th Street at the north end of the 1st Avenue Tunnel and had parked his patrol car near the mouth of the tunnel (Board Review 02). PO Cuevas was standing outside of his car observing vehicles for signs of speeding.

PO Cuevas saw § 87(2)(b)'s vehicle driving northbound through the tunnel. PO Cuevas estimated § 87(2)(b) to be traveling 48 mph. PO Cuevas pulled out his LIDAR gun and pointed the device at the front grill plate of § 87(2)(b)'s vehicle as it approached. According to the LIDAR, § 87(2)(b) was travelling at 50 mph. The speed limit in New York City is 25 mph so PO Cuevas indicated for § 87(2)(b) to pull over.

PO Cuevas asked § 87(2)(b) for license and registration. He did not recall § 87(2)(b) refusing to provide his license and registration. Once he obtained § 87(2)(b)'s license and registration, PO Cuevas returned to the police car to process and write the summons. PO Cuevas then returned to § 87(2)(b)'s vehicle to issue him the summons for speeding. PO Cuevas did not recall in this instance if there was an issue with § 87(2)(b) taking the summons. PO Cuevas returned § 87(2)(b)'s license and registration with the summons. PO Cuevas told § 87(2)(b) to read the instructions on the back of the summons and that he had 15 days to respond. PO Cuevas then went back to his vehicle to make some notes.

PO Cuevas did not recall if § 87(2)(b) drove off immediately after receiving the summons. PO Cuevas did not recall if § 87(2)(b) asked him anything about the summons. PO Cuevas did not recall this incident as out of the ordinary, and did not think he fought with § 87(2)(b) or that § 87(2)(b) fought with him. PO Cuevas did not recall ever telling § 87(2)(b) that he did not need his ID. PO Cuevas did not have any issues returning any documents to § 87(2)(b). PO Cuevas has never thrown an ID at anyone and did not throw an ID at § 87(2)(b).

§ 87(2)(g)

- This is the first CCRB complaint to which § 87(2)(b) has been a party. (Board Review 04)
- PO Cuevas has been a member of service for 18 years and has no prior CCRB history.

- § 87(2)(b) declined to mediate this complaint.
- As of August 24, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint. (Board Review 03)

- § 87(2)(b) and PO Cuevas both appeared in court for this summons. § 87(2)(b) was found guilty.

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____